

MAR 18 2008

PTO/SB/21 (01-08)

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| | | | |
|---|----------------------|------------------------|-------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/226,623 | |
| | Filing Date | 21 December 1998 | |
| | First Named Inventor | Christiane N. Duarte | |
| | Art Unit | 3622 | |
| | Examiner Name | G. Issing | |
| Total Number of Pages in This Submission | 19 | Attorney Docket Number | 78693 |

| ENCLOSURES (Check all that apply) | | |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input checked="" type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Information Disclosure Statement | <input checked="" type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | Remarks The USPTO has authorization to charge and credit any fees to deposit account no. 14-0590. Copies of exhibits A-K | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | |
|--|---|----------------|
| Firm Name | Naval Undersea Warfare Center, Division Newport | |
| Signature | <i>James M. Kasischke</i> | |
| Printed name | James M. Kasischke | |
| Date | 18 March 2008 | Reg. No. 36562 |

| CERTIFICATE OF TRANSMISSION/MAILING | | |
|---|---------------------------|--------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: | | |
| Signature | <i>James M. Kasischke</i> | |
| Typed or printed name | James M. Kasischke | Date 18 March 2008 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No. 78693

18 March 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: CHRISTIANE N. DUARTE Group Art Unit: 3622
Serial No. 09/226,623 Examiner: G. Issing
Filed: 21 December 1998 Customer No. 23523
For: DISPERSE, AGGREGATE AND DISPERSE (DAD) CONTROL STRATEGY FOR
MULTIPLE AUTONOMOUS SYSTEM TO OPTIMIZE RANDOM SEARCH

PETITION PURSUANT TO 37 CFR § 1.182

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

Due to an extraordinary situation, Applicant is petitioning the Director for refund of \$200.00 to our deposit account 14-0590.

On 26 July 2000 Applicant received a Notice of Allowance (Exhibit A) which was due for payment on 26 October 2000. On 25 October 2000, a secrecy order was requested (Exhibit B). A Base Issue Fee payment was submitted on 26 October 2000 to avoid abandonment. A secrecy order was granted on 17 November 2000 (Exhibit C).

In early December 2000, Applicant's office received the monthly deposit account statement for November 2000 (Exhibit D). The statement showed that the base issue fee of \$1270.00 was debited from Applicant's deposit account 14-0590. A Notice of Allowability (form D10) was issued on 5 October 2001 (Exhibit E).

The case remained under secrecy order until rescinded on 15 June 2006 (Exhibit F). A second Notice of Allowance (Exhibit G)

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was mailed to Applicant's office for the amount of \$1440.00 on 18 October 2007. On 3 January 2008, Applicant called the USPTO Office of Publication concerning this second notice of allowance. Applicant's office was told that the second notice of allowance was sent because the Office of Publication didn't have any record of the first notice of allowance. The Office of Publication did have a record showing that the first base issue fee was paid for \$1270.00. Because of the due date on the Notice of Allowance (January 18, 2008) Applicant was instructed to pay the difference (\$200.00) in price from the 2000 base issue fee (\$1240.00) to 2008 base issue fee (\$1440.00) to avoid abandonment of the case. (See email dated 3 January 2008 by Diane Terry (Exhibit H).) Applicant was promised that someone from Office of Publication would resolve the matter.

On 29 February 2008, Applicant's office printed out its January 2008 deposit account statement (Exhibit I). Deposit account 14-0590 was debited \$1440.00 as base issue fee for serial no. 09/226,623. On the same date, the Applicant's legal assistant contacted Diane Terry in the Office of Publication (see email dated 29 February 2008 (Exhibit J)) explaining what had transpired regarding the funds for serial no. 09/226,623. In a telephone conversation to Applicant's legal assistant, Ms. Terry stated that a refund was given. However, the March statement for deposit account 14-0590 (Exhibit K) shows a credit for \$1440.00 which was debited in January 2008, but also a credit for \$1240.00 in November 2000 and then a debit in the amount of \$1440.00. The

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USPTO charged this Applicant's office \$1240 in November 2000 and then \$200 in January 2008 for this base issue fee.

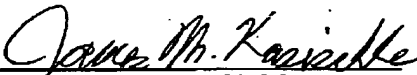
Applicant respectfully requests credit for \$200. It is suggested that the Base Issue Fee was paid in full in November 2000. Because all examination of the subject application was complete and the fee was withdrawn from Applicant's deposit account, the Applicant should have no additional liability for issue fees. Applicant is now requesting credit of \$200.00 for the difference between the 2008 base issue fee and the 2000 base issue fee. Applicant suggests that this is a common set of circumstances in applications under secrecy order, and this ruling could have an impact on other such applications.

In view of the facts presented above Applicant respectfully petitions the Director under 37 CFR 1.182. As identified in the statement of facts above, copies of exhibits A-K are attached. Attorney for Applicant, below authorizes the USPTO to credit the Fee of \$200.00 and others fees to deposit account no. 14-0590.

The Director is invited to phone James M. Kasischke, attorney for Applicant, 401-832-3653, if in the Director's opinion such phone call would serve to expedite the issuance of subject patent.

Respectfully submitted,
CHRISTIANE N. DUARTE

18 March 2008

By 
JAMES M. KASISCHKE
Attorney of Record
Reg. No. 36562

Complete and mail this form, together with

ble fees, to:

Box ISSUE FEE
Assistant Commissioner for
Washington, D.C. 20231RECEIVED
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MAILING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Issue Fee Receipt, the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

PM82/0726
OFFICE OF COUNSEL BLDG 112T
NAVAL UNDERSEA WARFARE CENTER
DIVISION NEWPORT
1176 HOWELL STREET
NEWPORT RI 02841-1708

Note: The certificate of mailing below can only be used for domestic mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

Certificate of Mailing

I hereby certify that this Issue Fee Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

MICHAEL J. MCGOWAN

(Depositor's name)

(Signature)

(Date)

| APPLICATION NO. | FILING DATE | TOTAL CLAIMS | EXAMINER AND GROUP ART UNIT | DATE MAILED |
|-----------------------|---|--------------|-----------------------------|-------------|
| 09/226,623 | 12/21/98 | 019 | HERNANDEZ, O 3661 | 07/26/00 |
| First Named Applicant | DUARTE, 35 USC 154(b) term ext. = 0 Days. | | | |

TITLE OF INVENTION: DISPERSE, AGGREGATE AND DISPERSE (DAD) CONTROL STRATEGY FOR MULTIPLE AUTONOMOUS SYSTEMS TO OPTIMIZE RANDOM SEARCH

| ATTY'S DOCKET NO. | CLASS-SUBCLASS | BATCH NO. | APPLN. TYPE | SMALL ENTITY | FEE DUE | DATE DUE |
|-------------------|----------------|-----------|-------------|--------------|-----------|----------|
| 2 | 701-023.000 | P81 | UTILITY | NO | \$1240.00 | 10/26/00 |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. MICHAEL J. MCGOWAN

2. JAMES M. KASISCHKE

3. PRITHVI C. LALL

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)
PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE THE UNITED STATES OF AMERICA

(B) RESIDENCE (CITY & STATE OR COUNTRY)

AS REPRESENTED BY THE SECRETARY OF THE NAVY

Please check the appropriate assignee category indicated below (will not be printed on the patent)

☐ Individual ☐ corporation or other private group entity ☒ government

4a. The following fees are enclosed (make check payable to Commissioner of Patents and Trademarks):

☐ Issue Fee☐ Advance Order - # of Copies

4b. The following fees or deficiency in these fees should be charged to:

DEPOSIT ACCOUNT NUMBER 14-0590

(ENCLOSE AN EXTRA COPY OF THIS FORM)

☒ Issue Fee☒ Advance Order - # of Copies 10

The COMMISSIONER OF PATENTS AND TRADEMARKS IS requested to apply the Issue Fee to the application identified above.

(Authorized Signature)

MICHAEL J. MCGOWAN

(Date)

10-26-00

NOTE: The Issue Fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington D.C. 20231

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25 October 2000

MEMORANDUM FOR PATENT COUNSEL, NAVSEA

Subj: REQUEST FOR SECRECY ORDER

1. As a result of a security review, it is requested that a secrecy order be placed on the following patent application:

U.S. PATENT APPLICATION SERIAL NO.: 09/226,623

STATUTORY INVENTION REGISTRATION: () YES (X) NO

FILING DATE: 21 December 1998

FULL NAME OF FIRST-NAMED INVENTOR: CHRISTIANE N. DUARTE

JOINT INVENTORS: () YES (X) NO

TITLE (UNCLASSIFIED VERSION): DISPERSE, AGGREGATE AND DISPERSE (DAD)
CONTROL STRATEGY FOR MULTIPLE
AUTONOMOUS SYSTEMS TO OPTIMIZE RANDOM
SEARCH

PROSECUTED BY: (X) GOVT () CONTRACTOR () UNKNOWN PARTY

NAVY CASE NO. 78693 () NOT APPLICABLE

CLASSIFICATION LEVEL: () CONFIDENTIAL, () SECRET, (X) NOT APPLICABLE
IF NOT CLASSIFIED REASON FOR REQUESTING SECRECY ORDER:PUBLIC RELEASE APPROVAL WAS DENIED AT NUWC DIVISION, NEWPORT AS
BEING DETRIMENTAL TO NATIONAL SECURITY.

/s/ MICHAEL J. McGOWAN, Patent Counsel, NUWC Division, Newport

MAR 18 2008

NC 78593

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|---------------|-------------|-----------------------|---------------------|
| 09/226,623 | 12/21/98 | DURIE | |

EXAMINER

OFFICE OF COUNSEL BUDG 112T
NAVAL UNDERSEA WARFARE CENTER
DIVISION NEWPORT
1176 HOWELL STREET
NEWPORT, RI 02841-1708

ART UNIT

PAPER NO.

DATE MAILED: 11/17/00

SECURITY ORDERFor Unclassified Patent Application
with a DoD Property Interest

Including:

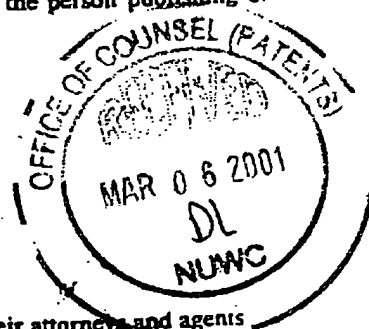
Permit for Disclosing Subject Matter for Legitimate Business Purposes;
Permit for Foreign Filing in Certain Countries

The above-identified patent application discloses subject matter the unauthorized publication or disclosure of which would, in the opinion of the sponsoring defense agency be detrimental to the national security.

ALL PRINCIPALS¹ IN THIS APPLICATION ARE ORDERED TO KEEP THE SUBJECT MATTER THEREOF IN SECRECY UNDER 35 U.S.C. §181.

The subject matter of this application¹ may not be published or disclosed to any person except as specifically authorized herein or subsequently authorized by written modification of this Secrecy Order granted by the Commissioner of Patents & Trademarks (see 37 CFR §5.5).

Unauthorized publication or disclosure of the subject matter of this patent application may result in abandonment of the patent application (35 U.S.C. §182) and additionally subject the person publishing or disclosing the subject matter to the penalties of 35 U.S.C. §186.



¹ "Principals" include all patent applicants, their heirs, assignees, licensees and their attorneys and agents

General Provisions

Any other patent application already or hereafter filed in the U.S. or any foreign country which contains any significant part of the subject matter of the above-identified patent application also falls within the scope of this Order. If such other patent application is not currently under a Secrecy Order imposed by the U.S. Patent and Trademark Office, it and the common subject matter must immediately be disclosed to the Commissioner of Patents & Trademarks, Washington, D.C. 20231, Attention: Licensing & Review.

This Secrecy Order was recommended to the Patent & Trademark Office by the following defense agency:

() ARMY

(X) NAVY

() AIR FORCE

Questions pertaining to the basis for imposing this Secrecy Order should be directed to the sponsoring defense agency. A contact for each defense agency is attached.

This Order should not be construed in any way to mean that the U.S. Government has adopted or contemplates adoption of the invention disclosed in this application and it is not any indication of the value of such invention.

Safeguarding Provisions

This application is unclassified and thus not subject to the provisions of Executive Order 12356, entitled "National Security Information," Executive Order 10865, entitled "Safeguarding of Classified Information Within Industry" or the "Industrial Security Manual for Safeguarding Classified Information." However, since disclosure of the subject matter would be detrimental to the national security, it must be safeguarded under conditions that will provide adequate protection and prevent access by unauthorized persons. When copies of the subject matter are no longer needed, they should be destroyed by any method that will prevent disclosure of the contents or reconstruction of the document. While this Order remains in effect, all communications with the Patent & Trademark Office pertaining to this application must be addressed to the Commissioner of Patents & Trademarks, Washington, D.C. 20231, Attention: Licensing & Review. Other questions pertaining to the security safeguarding of this application should be directed to the sponsoring defense agency.

Permit for Disclosing Subject Matter for Legitimate Business Purposes

The principals may disclose, for legitimate business purposes, the subject matter of this patent application to a U.S. citizen or to a person who is both admitted lawfully into the United States for permanent residence and is located in the United States provided the U.S. citizen or person is furnished with a copy of this Secrecy Order and is informed that this Secrecy Order is applicable to the subject matter disclosed. The term "legitimate business purposes" is to be interpreted consistent with 32 CFR Part 250. Legitimate business purposes include selling or producing products for the commercial domestic marketplace, or for the commercial foreign marketplace providing that any required export license is obtained. Legitimate business purposes also include selling or otherwise disclosing technical data to foreign contractors or foreign governments after receiving the required export license or approval by the U.S. Government.

The principals shall notify the Commissioner of Patents and Trademarks if a validated license is obtained from the Office of Export Administration, U.S. Department of Commerce, or a license is obtained from the Director, Office of Defense Trade Controls, U.S. Department of State, under regulations governing the export of technical data (15 CFR §379 of the Export Administration Regulations or 22 CFR §125 of the International Traffic in Arms Regulations).

Permit for Foreign Filing in Certain Countries

The principals are permitted, subject to the conditions stated hereinafter, to file and prosecute a corresponding application for patent in each of the following countries: Australia, Belgium, Canada, Denmark, France, Federal Republic of Germany, Greece, Italy, Japan, Korea, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Turkey and the United Kingdom.

The papers for each foreign application and its prosecution shall be transmitted to the sponsoring agency, identified herein, for forwarding through diplomatic channels for filing in the foreign country either directly by the principals or through the principals' foreign patent attorney or agent if authorized by the foreign government. Correspondence exclusively relating to payments of taxes and fees need not be sent through the sponsoring agency and diplomatic channels provided that such correspondence contains no information pertaining to the subject matter of the above-identified application.

International reciprocal agreements providing for the filing of patent applications under a Secrecy Order in the above-identified countries require the principals to furnish to the sponsoring agency identified herein (in addition to the papers to be filed in the foreign patent office) a copy of the specification (including any drawings annexed thereto, any resume and the claims included in the patent application) filed in the patent office of the foreign country. This copy will be furnished to the appropriate defense agency of the foreign government for information only and without prejudice to any rights of the principals. The filing date and serial number of the patent application should also be furnished to the sponsoring agency.

The principals shall request the foreign patent office to place in secrecy the foreign patent applications corresponding to the above-identified application and shall furnish a copy of this Secrecy Order and permit with the first papers to be filed in the foreign patent office.

The use of this permit to file in a foreign country shall constitute a waiver, unless otherwise required by international agreements, of any claim to compensation for loss or damage due solely to the imposition of secrecy or similar treatment of the invention. Belgium, France, the Federal Republic of Germany, the Netherlands, Norway, Turkey and the United Kingdom normally require a separate document confirming such a waiver.

In the case of Japan, the applicant shall ensure in its contract with its patent attorney that the patent attorney shall submit to the Japanese Patent Office a certified copy of this Secrecy Order and Permit. The submission of this permit to the Japanese Patent Office is considered notification to the Government of Japan of the Secrecy Order status of the above-mentioned application and a corresponding Japanese application will be considered an Agreement Application referred to in paragraph 3(a) of the Protocol to the 1956 United States-Japan Agreement.



John F. Terapane
Director, Special Laws Administration
U. S. Patent & Trademark Office

DEFENSE AGENCY CONTACT LIST**ARMY:**

ALLEN KLEIN
US ARMY PATENT, COPYRIGHTS & TRADEMARK DIVISION
OFFICE OF THE JUDGE ADVOCATE GENERAL
901 NORTH STUART ST.
ARLINGTON, VA 22203-1837
(703) 696-8113

NAVY:

MS INA GRIFFIN
OFFICE OF THE CHIEF OF NAVAL RESEARCH
INTELLECTUAL PROPERTY LAW DIVISION
ATTN: (OOC12)
800 NORTH QUINCY STREET
ARLINGTON, VA 22217-5000
(703) 696-4821

AIR FORCE:

TOM KUNDERT
AFMC LO/JAZ
2240 B STREET, ROOM 100
WRIGHT-PATTERSON AFB, OH 45433-7109
(937) 255-2838

DTRA
(Defense Threat
Reduction Agency)

PETER SULLIVAN
400 ARMY NAVY DRIVE
SUITE 300
ARLINGTON, VA 22202
(703) 604-5215

D.O.E.
(Department of Energy)

U.S. DEPARTMENT OF ENERGY
OFFICE OF THE ASSISTANT GENERAL
COUNSEL FOR PATENTS (GS-42)
1000 INDEPENDENCE AVENUE, SW
WASHINGTON, DC 20585

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United States
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Deposit Account Statement

Requested Statement Month: November 2000
Deposit Account Number: 140590
Name: NAVAL UNDERSEA WARFARE CENTER DIVISION, NEWPOF
Attention: PATENT COUNSEL
Street Address 1: 1176 HOWELL STREET, BLD 11
Street Address 2:
City: NEW-PORT
State: RI
Zip: 02841-1708
Country: UNITED STATES

| DATE | SEQ | POSTING REF TXT | ATTORNEY DOCKET NBR | FEE CODE | AMT | BAL |
|--------|-----|--------------------|---------------------------|-------------|------------|-------------|
| 11/01 | 35 | 09678881 | 79942 | 101 | \$710.00 | \$41,269.00 |
| 11/01 | 36 | 09678881 | 79942 | 103 | \$72.00 | \$41,197.00 |
| 11/01 | 38 | 09678879 | 80101 | 101 | \$710.00 | \$40,487.00 |
| 11/01 | 39 | 09678878 | 9303 | 101 | \$710.00 | \$39,777.00 |
| 11/01 | 40 | 09678877 | 79920 | 101 | \$710.00 | \$39,067.00 |
| 11/02 | 36 | 09684080 | 78986 | 101 | \$710.00 | \$38,357.00 |
| 11/02 | 45 | 09684082 | 79509 | 101 | \$710.00 | \$37,647.00 |
| 11/02 | 65 | 09684083 | 76307 | 101 | \$710.00 | \$36,937.00 |
| 11/02 | 29 | 09686777 | 80009 | 101 | \$710.00 | \$36,227.00 |
| *11/03 | 78 | 09226623 | 78693 | 142 | \$1,240.00 | \$34,987.00 |
| *11/03 | 79 | 09226623 | 78693 | 561 | \$30.00 | \$34,957.00 |
| 11/03 | 165 | 09648530 | 78494 | 581 | \$40.00 | \$34,917.00 |
| 11/03 | 166 | 09651124 | 79254 | 581 | \$40.00 | \$34,877.00 |
| 11/03 | 167 | 09632002 | 79284 | 581 | \$40.00 | \$34,837.00 |
| 11/03 | 168 | 09652304 | 78495 | 581 | \$40.00 | \$34,797.00 |
| 11/06 | 1 | 09685151 | 77341 | 101 | \$710.00 | \$34,087.00 |
| 11/06 | 2 | 09685150 | 79136 | 101 | \$710.00 | \$33,377.00 |
| 11/06 | 3 | 09685149 | 79528 | 101 | \$710.00 | \$32,667.00 |
| 11/06 | 7 | 09685148 | 78651 | 101 | \$710.00 | \$31,957.00 |
| 11/06 | 8 | 09685147 | 80027 | 101 | \$710.00 | \$31,247.00 |
| 11/06 | 50 | 09685153 | 77342 | 101 | \$710.00 | \$30,537.00 |
| 11/06 | 57 | 09685146 | 77375 | 101 | \$710.00 | \$29,827.00 |
| 11/06 | 66 | 09685152 | 77340 | 101 | \$710.00 | \$29,117.00 |
| 11/06 | 80 | 09685145 | 77374 | 101 | \$710.00 | \$28,407.00 |
| 11/06 | 91 | 09652836 | 82257 | 581 | \$40.00 | \$28,367.00 |
| 11/06 | 92 | 09643650 | 78127 | 581 | \$40.00 | \$28,327.00 |

| | | | | | |
|-----------|----------|-------|-----|------------|-------------|
| 11/06 93 | 09641395 | 75270 | 581 | \$40.00 | \$28,287.00 |
| 11/06 94 | 09638531 | 79327 | 581 | \$40.00 | \$28,247.00 |
| 11/06 95 | 09652303 | 78498 | 581 | \$40.00 | \$28,207.00 |
| 11/06 96 | 09638797 | 79326 | 581 | \$40.00 | \$28,167.00 |
| 11/06 97 | 09632003 | 78421 | 581 | \$40.00 | \$28,127.00 |
| 11/06 98 | 09652305 | 78499 | 581 | \$40.00 | \$28,087.00 |
| 11/06 99 | 09638798 | 79997 | 581 | \$40.00 | \$28,047.00 |
| 11/13 31 | 09378120 | 79039 | 142 | \$1,240.00 | \$26,807.00 |
| 11/13 32 | 09378120 | 79039 | 561 | \$30.00 | \$26,777.00 |
| 11/28 24 | 09718759 | 79243 | 101 | \$710.00 | \$26,067.00 |
| 11/28 254 | 09317089 | 76310 | 142 | \$1,240.00 | \$24,827.00 |
| 11/28 255 | 09317089 | 76310 | 561 | \$30.00 | \$24,797.00 |
| 11/28 256 | 08843809 | 77348 | 142 | \$1,240.00 | \$23,557.00 |
| 11/28 257 | 08843809 | 77348 | 561 | \$30.00 | \$23,527.00 |
| 11/30 180 | 09349358 | 78044 | 142 | \$1,240.00 | \$22,287.00 |
| 11/30 181 | 09349358 | 78044 | 561 | \$30.00 | \$22,257.00 |

| | | | |
|-------------|-------------|-----------|-------------|
| START | SUM OF | SUM OF | END |
| BALANCE | CHARGES | REPLENISH | BALANCE |
| \$41,979.00 | \$19,722.00 | \$0.00 | \$22,257.00 |

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WASHINGTON, DC 20231
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/226,623 12/21/98 DUARTE

C 78693

EXAMINER

PMS1/1005

OFFICE OF COUNSEL BLDG 112T
NAVAL UNDERSEA WARFARE CENTER
DIVISION NEWPORT
1176 HOWELL STREET
NEWPORT RI 02841-1708

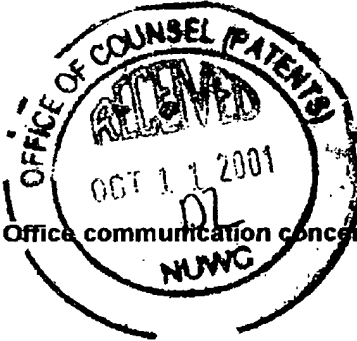
ISSING, G

ART UNIT PAPER

3662

10/05/01

DATE MAILED:



Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

NOTICE OF ALLOWABILITY (FORM D-10)

This application is now in a condition for allowance, and the prosecution is closed.

However, in view of the Secrecy Order filed on 11/17/00 under 35 USC (1952) § 181, this application will be withheld from issue during such period as the national interest requires.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - a) ☐ All b) ☐ Some* c) ☐ None of the CERTIFIED copies of the priority documents have been
 1. ☐ received.
 2. ☐ received in Application No. (Series Code / Serial Number). _____.
- * Certified copies not received: _____.
4. ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
5. ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1 <input type="checkbox"/> Notice of References Cited (PTO-892) 2 <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ 7 <input type="checkbox"/> Examiner's Amendment/Comment 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9 <input type="checkbox"/> Other |
|---|--|

PTO-D-10 (Modified 12-99)


 GREGORY C. ISSING
 PRIMARY EXAMINER



UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 18 2008

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/226,623 | 12/21/1998 | CHRISTIANE N. DUARTE | 78693 | 9817 |

7590

06/15/2006

OFFICE OF COUNSEL BLDG 112T
NAVAL UNDERSEA WARFARE CENTER
DIVISION NEWPORT
1176 HOWELL STREET
NEWPORT, RI 028411708

EXAMINER

ISSING, GREGORY C

ART UNIT

PAPER NUMBER

3662

DATE MAILED: 06/15/2006

RESCINDING OF SECRECY ORDER
(35 U.S.C. 181-188)

The Secrecy Order, dated , prohibiting disclosure of publication of the subject matter of the above-identified application under 35 U.S.C. 181-188 is hereby rescinded. Normal prosecution is continued and any suspension thereof because of the secrecy order has been removed. This rescinding order does not affect the provisions of any classified government contract or existing laws relating to espionage and national security.

Note that this decision does not affect the removal of any national security markings. Applicant is required to obtain authorization to remove any such markings or pursue a new security order.

for

Donald T. Hajec
Director, Technnology Center 3600
(703) 306-4180RECEIVED
JUN 26 2006

ATTY

PART B - FEE(S) TRANSMITTAL

RECEIVED 015/020
CENTRAL FAX CENTER

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or **Fax** (571)-273-2885

MAR 18 2008

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

10/18/2007

OFFICE OF COUNSEL BLDG 112T
NAVAL UNDERSEA WARFARE CENTER
DIVISION NEWPORT
1176 HOWELL STREET
NEWPORT, RI 028411708

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

James M. Kasischke

(Depositor's name)

James M. Kasischke

(Signature)

13 Jan 2008

(Date)

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/226,623 | 12/21/1998 | CHRISTIANE N. DUARTE | 78693 | 9817 |

TITLE OF INVENTION: DISPERSE, AGGREGATE AND DISPERSE (DAD) CONTROL STRATEGY FOR MULTIPLE AUTONOMOUS SYSTEMS TO OPTIMIZE RANDOM SEARCH

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|-------------------|--------------|----------------|---|----------------------|------------------|------------|
| nonprovisional | NO | \$1440 | \$0 | \$1240.00 1270.00 | \$1440.00 | 01/18/2008 |
| EXAMINER | ART UNIT | CLASS-SUBCLASS | The \$200 is being paid to avoid abandonment. Applicant is soliciting an appeal of this additional fee. | | | |
| ISSING, GREGORY C | 3662 | 701-023000 | | | | |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

- 1 James M. Kasischke
2 Michael P. Stanley
3 Jean-Paul A. Nasser

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

The United States of America as represented by the Secretary of the Navy

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☒ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 14-0570 (enclose an extra copy of this form).

5. Change In Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

James M. Kasischke

Date

3 Jan 2008

Typed or printed name

James M. Kasischke

Registration No.

36562

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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CENTRAL FAX CENTER**Campbell Annette M NPRI****MAR 18 2008**

From: Terry, Diane [Diane.Terry@USPTO.GOV]
Sent: Thursday, January 03, 2008 2:18 PM
To: campbellam@npt.nuwc.navy.mil
Subject: 09/226623

Annett, On December 19, 2007 my senior employee e-mailed Brian Hanlon about this application because we did not know the answer to your question. Brian works in our Legal department and has not responded. He will be out for 2 more weeks. Our suggestion to you is to pay the difference of the issue fee to prevent it from going abandoned. You may request a refund. It all depends on what the response is. I will get back with you as soon as Brian responds.

Diane Terry

Quality Control Specialist, ODM

703-308-9250 ext 150

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United States
Patent and
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Deposit Account Statement

Requested Statement Month: January 2008
Deposit Account Number: 140590
Name: NAVAL UNDERSEA WARFARE CENTER DIVISION, NEWPOF
Attention: PATENT COUNSEL
Street Address 1: 1176 HOWELL STREET, BLD 11
Street Address 2:
City: NEW PORT
State: RI
Zip: 02841-1708
Country: UNITED STATES

| DATE | SEQ | POSTING REF TXT | ATTORNEY DOCKET NBR | FEE CODE | AMT | BAL |
|---------|------|--------------------|---------------------------|-------------|---------------|--------------|
| 01/02 | 68 | 10409710 | 82643 | 1453 | \$1,540.00 | \$32,843.99 |
| 01/03 | 3 | 11645268 | 84291 | 1255 | \$2,230.00 | \$30,613.99 |
| 01/04 | 13 | 11040296 | 84167 | 1801 | \$810.00 | \$29,803.99 |
| * 01/04 | 41 | 09226623 | 78693 | 1501 | \$1,440.00 | \$28,363.99 |
| 01/07 | 39 | 12006717 | 99031 | 1011 | \$310.00 | \$28,053.99 |
| 01/07 | 41 | 12006717 | 99031 | 1311 | \$210.00 | \$27,843.99 |
| 01/07 | 40 | 12006717 | 99031 | 1111 | \$510.00 | \$27,333.99 |
| 01/07 | 258 | 11240778 | 85026 | 1501 | \$1,440.00 | \$25,893.99 |
| 01/07 | 259 | 11240778 | 85026 | 8001 | \$21.00 | \$25,872.99 |
| 01/14 | 5 | 10779589 | 80168 | 1402 | \$510.00 | \$25,362.99 |
| 01/28 | 2 | REPLENISHMENT | | 9204 | -\$100,000.00 | \$125,362.99 |
| 01/28 | 181 | 11116170 | 84163 | 1501 | \$1,440.00 | \$123,922.99 |
| 01/28 | 182 | 11116170 | 84163 | 8001 | \$18.00 | \$123,904.99 |
| 01/28 | 221 | 11217838 | 83044 | 1501 | \$1,440.00 | \$122,464.99 |
| 01/28 | 222 | 11217838 | 83044 | 8001 | \$18.00 | \$122,446.99 |
| 01/29 | 802 | 6728431 | 78333 | 1551 | \$930.00 | \$121,516.99 |
| 01/29 | 803 | 6728431 | 78333 | 1554 | \$130.00 | \$121,386.99 |
| 01/29 | 888 | 6046705 | 78772 | 1552 | \$2,360.00 | \$119,026.99 |
| 01/29 | 889 | 6046705 | 78772 | 1555 | \$130.00 | \$118,896.99 |
| 01/29 | 952 | 6706207 | 82601 | 1551 | \$930.00 | \$117,966.99 |
| 01/29 | 953 | 6706207 | 82601 | 1554 | \$130.00 | \$117,836.99 |
| 01/29 | 1041 | 6711096 | 82850 | 1551 | \$930.00 | \$116,906.99 |
| 01/29 | 1042 | 6711096 | 82850 | 1554 | \$130.00 | \$116,776.99 |
| 01/29 | 1117 | 6697302 | 82851 | 1551 | \$930.00 | \$115,846.99 |
| 01/29 | 1118 | 6697302 | 82851 | 1554 | \$130.00 | \$115,716.99 |
| 01/29 | 1295 | 6704247 | 82876 | 1551 | \$930.00 | \$114,786.99 |

| | | | | |
|----------------------|-------|------|------------|--------------|
| 01/29 1296 6704247 | 82876 | 1554 | \$130.00 | \$114,656.99 |
| 01/29 1692 6740220 | 79826 | 1551 | \$930.00 | \$113,726.99 |
| 01/29 1693 6740220 | 79826 | 1554 | \$130.00 | \$113,596.99 |
| 01/29 1953 6739266 | 82679 | 1551 | \$930.00 | \$112,666.99 |
| 01/29 1954 6739266 | 82679 | 1554 | \$130.00 | \$112,536.99 |
| 01/29 2049 6737185 | 82736 | 1551 | \$930.00 | \$111,606.99 |
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| 01/29 14316 12021555 | 98406 | 1011 | \$310.00 | \$111,166.99 |
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| 01/29 14318 12021555 | 98406 | 1311 | \$210.00 | \$110,446.99 |
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| 01/30 12313 12022415 | 96813 | 1011 | \$310.00 | \$110,016.99 |
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| 01/31 921 12022506 | 84127 | 1011 | \$310.00 | \$108,986.99 |
| 01/31 923 12022506 | 84127 | 1111 | \$510.00 | \$108,476.99 |
| 01/31 924 12022506 | 84127 | 1311 | \$210.00 | \$108,266.99 |
| 01/31 1344 12022537 | 84128 | 1011 | \$310.00 | \$107,956.99 |
| 01/31 1345 12022537 | 84128 | 1111 | \$510.00 | \$107,446.99 |
| 01/31 1346 12022537 | 84128 | 1311 | \$210.00 | \$107,236.99 |
| 01/31 208 5996630 | | 1552 | \$2,360.00 | \$104,876.99 |
| 01/31 209 5996630 | | 1558 | \$1,640.00 | \$103,236.99 |
| 01/31 210 6665276 | | 1551 | \$930.00 | \$102,306.99 |
| 01/31 211 6665276 | | 1558 | \$1,640.00 | \$100,666.99 |
| 01/31 212 6665631 | | 1551 | \$930.00 | \$99,736.99 |
| 01/31 213 6665631 | | 1558 | \$1,640.00 | \$98,096.99 |
| 01/31 214 6659640 | | 1551 | \$930.00 | \$97,166.99 |
| 01/31 215 6659640 | | 1558 | \$1,640.00 | \$95,526.99 |
| 01/31 216 6661741 | | 1551 | \$930.00 | \$94,596.99 |
| 01/31 217 6661741 | | 1558 | \$1,640.00 | \$92,956.99 |
| 01/31 218 6661739 | | 1551 | \$930.00 | \$92,026.99 |
| 01/31 219 6661739 | | 1558 | \$1,640.00 | \$90,386.99 |
| 01/31 222 5476552 | | 1553 | \$3,910.00 | \$86,476.99 |
| 01/31 223 5476552 | | 1558 | \$1,640.00 | \$84,836.99 |

| | | | |
|------------------|-------------------|---------------------|----------------|
| START BALANCE | SUM OF CHARGES | SUM OF REPLENISH | END BALANCE |
| \$34,383.99 | \$49,547.00 | \$100,000.00 | \$84,836.99 |

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MAR 18 2008

Campbell Annette M NPRI

From: Campbell Annette M NPRI
Sent: Friday, February 29, 2008 10:37 AM
To: 'Diane.Terry@uspto.gov'
Cc: Kasischke James M NPRI
Subject: Refund on 09/226,623

Importance: High

Attachments: statements 2000 and 2008.pdf



statements 2000
and 2008.pdf (...)

Good Morning Diane,

This is Annette Campbell from the Naval Undersea Warfare Center in Newport, RI. I'm doing a follow up on our last communication of 3 January 2008. Our office had received a second Notice of Allowance that had to be paid by 1/18/08 or the case would go abandoned. At the time there was a dispute regarding the payment for back in November 2000 our office had paid the first Notice of Allowance in full. At the time of our last communication you were waiting to hear from Brian Hanlon on how to handle this discrepancy. Our office had authorized to pay the difference from the year 2000 amount of \$1270.00 to the year 2008 amount of \$1470.00. Which was \$200.00. When I was comparing my expenditures against the USPTO monthly statement I noticed that the total amount of \$1440.00 was taken from my deposit account.

This was brought to the Senior Attorney attention here in the office. He has done some research and found some information that this is illegal to do. Enclosed are the USPTO statements from November 2000 and January 2008 (I have indicated on the statement the withdrawal of the money) also enclosed are the notice of allowance transmittal forms from November 2000 authorizing full payment (\$1240.00 and the \$30.00 for additional copies of the patent) and January 2008 authorizing only \$200.00 which we did in good faith by direction of your office so the case wouldn't go abandon. Any help you can give me to rectify this matter in getting a refund would be greatly appreciated. Thank you.

Sincerely,
Annette M. Campbell

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Deposit Account Statement

Page 1 of 1

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MAR 18 2008

United States
Patent and
Trademark OfficeDeposit Account Statement

Requested Statement Month: March 2008

Deposit Account Number: 140590

Name: NAVAL UNDERSEA WARFARE CENTER DIVISION, NEWPOF

Attention: PATENT COUNSEL

Street Address 1: 1176 HOWELL STREET, BLD 11

Street Address 2:

City: NEW PORT

State: RI

Zip: 02841-1708

Country: UNITED STATES

| DATE | SEQ | POSTING REF TXT | ATTORNEY DOCKET NBR | FEE CODE | AMT | BAL |
|---------|-----|--------------------|---------------------------|-------------|-------------|-------------|
| * 03/03 | 18 | 09226623 | 78693 | 1501 | -\$1,440.00 | \$83,188.99 |
| * 03/03 | 19 | 09226623 | 78693 | 1501 | -\$1,240.00 | \$84,428.99 |
| * 03/03 | 20 | 09226623 | 78693 | 1501 | \$1,440.00 | \$82,988.99 |
| 03/03 | 156 | 11138592 | 76644 | 1501 | \$1,440.00 | \$81,548.99 |
| 03/03 | 157 | 11138592 | 76644 | 8001 | \$18.00 | \$81,530.99 |
| 03/06 | 203 | 11326671 | 83731 | 1501 | \$1,440.00 | \$80,090.99 |
| 03/06 | 204 | 11326671 | 83731 | 8001 | \$18.00 | \$80,072.99 |
| 03/06 | 210 | 10885531 | 84567 | 1501 | \$1,440.00 | \$78,632.99 |
| 03/06 | 211 | 10885531 | 84567 | 8001 | \$21.00 | \$78,611.99 |

| START BALANCE | SUM OF CHARGES | SUM OF REPLENISH | END BALANCE |
|------------------|-------------------|---------------------|----------------|
| \$81,748.99 | \$5,817.00 | \$2,680.00 | \$78,611.99 |

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Exhibit (K)